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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,139	12/18/2001	Akihiko Uchiyama	Q67761	7030
23373	7590	09/15/2003		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037				EXAMINER
				PENG, KUO LIANG
			ART UNIT	PAPER NUMBER
			1712	

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b><i>Office Action Summary</i></b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/018,139	UCHIYAMA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kuo-Liang Peng	1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **P riod for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 9/3/02 IDS .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-14 and 16 is/are rejected.

7)  Claim(s) 3,4 and 12-17 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) see Othe . 6)  Other: See *Continuation Sheet* .

Continuation of Attachment(s) 6). Other: IDS filed on 3/28/02, 12/18/01 and 9/3/02.

## **DETAILED ACTION**

1. The followings are Examiner's suggestions/questions:

Should the unnecessary symbols such as “[“, “]”, “{“, “}”, etc. in the present claims be removed?

Should “in the above formula (II)” be deleted?

### ***Claim Objections***

2. Claims 3-4 and 12-17 are objected to because of the following informalities:

In Claims 3-4 and 17, should “as described above” be removed and the definitions of R(450) and R(550) from Claim 2 be recited here?

In Claim 12 (line 1), Claim 13 (line 1) and Claim 14 (line 1), should “The method for producing the” be -- A method for producing a --?

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1 (lines 4-5), Claim 12 (lines 4-5) and Claim 13 (lines 4-5), the word “desired” causes confusion so that it is not clear as to what “desired wavelength dispersion characteristics” refers to. Furthermore, it is not clear as to what “wavelength dispersion characteristics” refers to.

In Claims 2 (line 3), 3 (line 2), 4 (line 2), 9 (line 3) and 12 (line 11), “in the case that” causes confusion because it is not clear as to what happens with other “case”.

In Claims 2 (line 4), 3 (line 3), 4 (line 3), 9 (line 4) and 12 (line 12), it is not clear as to what “solely” refers to.

In Claims 2 (line 4), 9 (line 4) and 12 (line 12), it is not clear as to what “respectively” refers to.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 10, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tung (US 4 525 532).

Tung discloses a film prepared by extruding a blend composition of Blend No. 1-11 (col. 2, lines 55-62 and Table 6). The term “retardation” in the preamble is merely an intended use, and does not carry any weight of patentability. See MPEP 2111.02. Furthermore, as mentioned previously, the term “desired wavelength dispersion characteristics” as a whole is indefinite. As

such, whatever the “desired” wavelength dispersion characteristics of the instant film reads on the limitation of the instant claim.

7. Claims 1, 10, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Lazear (US 4 150 170).

Lazear discloses a process of producing a film by coating a polymer blend composition on a substrate (Examples 2, 5 and 8). The term “retardation” in the preamble is merely an intended use, and does not carry any weight of patentability. See MPEP 2111.02. Furthermore, as mentioned previously, the term “desired wavelength dispersion characteristics” as a whole is indefinite. As such, whatever the “desired” wavelength dispersion characteristics of the instant film reads on the limitation of the instant claim.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazear.

Lazear discloses a process of producing a film, *supra*, which is incorporated herein by reference. Lazear is silent on the use of an organic solvent. However, it is noted that in a coating process, the viscosity of the composition is very important. Therefore, it would have been

obvious to one of ordinary skill in the art at the time of invention to using an organic solvent in Lazear's process in order to afford a composition with an adequate viscosity.

10. Claims 12-13 would be allowable if rewritten or amended to overcome the claim objection and the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

None of Tung and Lazear teaches or fairly suggests a) the specific R(450)/R(550) ratio set forth in Claim 12 and b) a blend of polymers containing bisphenol component having a fluorine ring as set forth in Claim 13.

11. Claims 2-9, 15 and 17 would be allowable if rewritten to overcome the claim objection and/or the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

None of Tung and Lazear teaches or fairly suggests a) the specific R(450)/R(550) ratio set forth in Claims 2-4 and 17, b) a blend of polymers containing bisphenol component having a fluorine ring as set forth in Claim 5 , c) an aromatic polyester polymers as set forth in Claims 6-8 and 15, and d) a blend of polymers having the specific optical anisotropies set forth in Claim 9.

12. The referenced, EP 1 045 261, cited in the information disclosure statement filed on December 18, 2001 has been lined through because it is redundant.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang Peng whose telephone number is (703) 306-5550. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson, can be reached on (703) 308-2340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

klp  
September 4, 2003

  
Kuo-Liang Peng  
Art Unit 1712